

Message Text

UNCLASSIFIED

PAGE 01 STATE 018371
ORIGIN L-03

INFO OCT-01 AS-01 NEA-10 ISO-00 SCSE-00 SCA-01 EUR-12
CPR-01 INR-07 SS-15 NSC-05 /056 R

DRAFTED BY L/M:HFSHAMWELL:MFM
APPROVED BY L/M:KEMALMBORG
SCA/SCS - MULLIN (SUBS)
NEA/PAB - AUSTRIAN (SUBS)
-----271021Z 061119 /17

R 270221Z JAN 77
FM SECSTATE WASHDC
TO AMEMBASSY KABUL

UNCLAS STATE 018371

E.O. 11652: N/A

TAGS: CGEN, PDIP, AF

SUBJECT: CONSULAR CONVENTION WITH AFGHANISTAN

REF: (A) KABUL 5974(76) (B) STATE 205097
(C) A-4250(76) (D) KABUL 7448

1. REF (D) REPORTED EMBASSY'S COMMENTS ON PROPOSED U.S.-
AFGHANISTAN CONSULAR CONVENTION BASED UPON U.S.-CZECHO-
SLOVAKIA CONVENTION MODEL. THE FOLLOWING IS THE DEPT.
RESPONSE TO THOSE SPECIFIC COMMENTS:

A. ARTICLE 1, PARA I: ALTHOUGH DEPT. AWARE THAT
AFGHANISTAN AT PRESENT TIME HAS NEITHER COASTLINE NOR
MERCHANT MARINE, DEPT. CONSIDERS CONCLUSION OF DEFINITION
OF "VESSEL OF THE SENDING STATE" DESIRABLE. IT IS THEORE-
TICALLY POSSIBLE THAT AT SOME TIME IN THE FUTURE AFGHANI-
STAN WILL LEND ITS FLAG TO VESSELS; THEREFORE, SUCH A
DEFINITION WOULD BE USEFUL. SAME COMMENT APPLIES TO
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 STATE 018371

EMBASSY'S SUGGESTION THAT ARTICLES 37 THROUGH 39 BE DELETED.

B. ARTICLE 3, PARA 1: IT IS CUSTOMARY PRACTICE THAT
THE SENDING STATE REQUEST PRIOR RECEIVING STATE CONSENT TO
THE APPOINTMENT OF THE HEAD OF A CONSULATE. AN ATTEMPT TO
OMIT SUCH A PROVISION FROM THE PROPOSED CONVENTION WOULD

UNDOUBTEDLY CREATE MORE PROBLEMS THAN IT WOULD SOLVE.

C. ARTICLE 6: THIS PROVISION REQUIRES THE SENDING STATE TO NOTIFY, IN ADVANCE, THE NAME, RANK, ETC. OF BOTH CONSULAR OFFICERS AND CONSULAR EMPLOYEES. DEPT. DOES NOT BELIEVE IT WISE, FOR REASONS STATED PARA B ABOVE, TO ELIMINATE THE REQUIREMENT FOR NOTIFYING THE RECEIVING STATE OF THE ARRIVAL OF CONSULAR OFFICERS, LEAVING THE RECEIVING STATE ONLY THE OBLIGATION TO NOTIFY THE ARRIVAL AND APPOINTMENT OF CONSULAR EMPLOYEES. DEPT. DOES NOT, HOWEVER, OBJECT TO ADDING PARA 2 OF THE BULGARIAN CONVENTION TO ARTICLE 6 AS SUBSTITUTE FOR PARA 2 OF THE LATTER.

D. ARTICLE 10, PARA 1, LAST SENTENCE: FOR REASONS STATED ABOVE, THIS SENTENCE SHOULD BE RETAINED.

E. ARTICLE 12: DEPT. HAS NO OBJECTION TO THIS SUGGESTED CHANGE.

F. ARTICLE 15: WHILE IT IS ALMOST COMMON KNOWLEDGE THAT DOCUMENTS AND OBJECTIONS OF AN UNOFFICIAL CHARACTER ARE SOMETIMES STORED IN CONSULAR ARCHIVES, AN ATTEMPT TO ELIMINATE THIS RESTRICTION ON USE OF ARCHIVES WOULD FLAG A PROBLEM THAT IS BEST UNDISTURBED. THE RECEIVING STATE REALLY HAS NO ABILITY TO POLICE THIS RESTRICTION, SO IT IS BETTER NOT TO GENERATE A PROBLEM WHICH IS RATHER THEORETICAL FROM A PRACTICAL POINT OF VIEW.

UNCLASSIFIED

UNCLASSIFIED

PAGE 03 STATE 018371

G. ARTICLE 16: DEPT. CANNOT APPROVE PROVISION ALLOWING INSTALLATION OF WIRELESS TRANSMITTER WITHOUT PRIOR APPROVAL OF RECEIVING STATE. THE REQUIREMENT OF PRIOR APPROVAL IS STRICTLY ENFORCED ON THIS END AND NO MODIFICATION OF THE LAW IS FEASIBLE.

H. ARTICLE 21, PARA 3: THE TERM "SPECIFIC SERVICES RENDERED" IS BROAD ENOUGH TO COVER THE TYPE OF IMPROVEMENTS SUGGESTED IN THE EMBASSY'S PROPOSED ADDITION. THE ADDITION IS, THEREFORE, UNNECESSARY.

I. ARTICLE 25: DEPT. DOES NOT OBJECT TO INCLUDING A GENERAL PROVISION LIMITING APPLICATION OF PRIVILEGES AND IMMUNITIES TO PERSONS WHO ARE NOT NATIONALS OR PERMANENT RESIDENTS OF THE RECEIVING STATE. IN THE CZECHOSLOVAKIA MODEL, THIS SAME END IS ACCOMPLISHED BY INCLUDING A SPECIFIC LIMITATION IN EACH AND EVERY ARTICLE ON PRIVILEGES AND IMMUNITIES.

J. ARTICLE 28: DEPT. HAS NO OBJECTION TO ADD AT AN APPROPRIATE PLACE IN THE CONVENTION AN ARTICLE ON IMMUNITY FROM REQUISITION.

K. ARTICLE 30, PARA B: DEPT. CANNOT APPROVE SUGGESTED CHANGE SINCE THESE TWO PARAGRAPHS DEAL WITH DISTINCTLY DIFFERENT SUBJECTS.

L. ARTICLE 30: CHANGE SUGGESTED WOULD MAKE NEW ARTICLE UNWORKABLY BULKY AND WORDY. DEPT. WILL FURNISH ADDITIONAL GUIDANCE ON HOW TO DEAL WITH THIS PROVISION.

M. ARTICLE 31: NO OBJECTION TO SUGGESTED CHANGE.

N. ARTICLE 36, PARA 7: CHANGE SUGGESTED BY EMBASSY WOULD CREATE A REDUNDANCY, SINCE PARA 7 OF ARTICLE 36, AS WRITTEN, APPLIES TO ALL OF THE PRECEEDING PARAGRAPHS OF UNCLASSIFIED

UNCLASSIFIED

PAGE 04 STATE 018371

THAT ARTICLE AND ACCOMPLISHES THE SAME PURPOSE INTENDED BY EMBASSY'S PROPOSED ADDITION.

O. ARTICLES 37 THROUGH 40: SEE COMMENTS ABOVE. ALSO EMBASSY'S ATTENTION IS DRAWN TO ARTICLE 40 WHICH APPLIES PROVISIONS OF ARTICLES 37 THROUGH 39 TO AIRCRAFT.

P. ARTICLE 41: SUGGESTED CHANGE IS ACCEPTABLE.

2. DEPT. APPRECIATES EMBASSY'S INITIAL COMMENTS; HOWEVER, IN THE INTEREST OF EFFICIENCY, WE PREFER TO PROCEED FROM THIS POINT ON BASIS OF SUGGESTED DRAFT, AS AMENDED. DEPT. WILL UTILIZE ITS TECHNICAL RESOURCES TO PREPARE A CLEAN TEXT, INCORPORATING THE AMENDMENTS DESCRIBED ABOVE, AND WILL TRANSMIT COPIES THEREOF AS SOON AS POSSIBLE TO EMB. AND TO AFGHAN EMB. IN WASHINGTON. ONCE COPIES OF REVISED DRAFT HAVE BEEN RECEIVED, EMB. SHOULD DELIVER DOCUMENT TO APPROPRIATE OFFICIALS IN MFA AS BASIS FOR NEGOTIATION OF BILATERAL TREATY. DEPT. WILL ALSO DELIVER TEXT TO AFGHAN EMB. IN WASHINGTON. EMB. REQUESTED TO ADVISE DEPT. OF GOA REACTION TO PROPOSED NEGOTIATIONS. DEPT. WILL THEN ADVISE EMB. OF FURTHER SPECIFIC ACTION TO BE TAKEN.
VANCE

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CONSULAR AGREEMENTS
Control Number: n/a
Copy: SINGLE
Sent Date: 27-Jan-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE018371
Document Source: CORE
Document Unique ID: 00
Drafter: HFSHAMWELL:MFM
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770029-0708
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770112/aaaaakbo.tel
Line Count: 162
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 21b538d0-c288-dd11-92da-001cc4696bcc
Office: ORIGIN L
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 77 KABUL 5974, 77 STATE 205097, 77 KABUL 7448
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 12-Oct-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3482797
Secure: OPEN
Status: NATIVE
Subject: CONSULAR CONVENTION WITH AFGHANISTAN
TAGS: CGEN, PDIP, AF, US
To: KABUL
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/21b538d0-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009